

UNITED STATES OF AMERICA)
)
vs.) CR. NO. 08-44s
)
DAVID WHITAKER)

Now comes the Defendant, David Whitaker, and moves that this Honorable Court will enter an order revising Defendant's employment arrangements in connection with his supervised release.

David Whitaker, upon his supervised release, formerly was employed/contracted to work with the Balliro Commerce Group, LLC. This company no longer has the wherewithal to support his arrangement. Mr. Whitaker listed the new work arrangement on his monthly report to U.S. Probate in Boston. Mr. Whitaker has developed a self-employment business model and has created a company to do so called Design Geeks, Inc. This company provides a website which allows customers, following a ten-day trial period, to create a \$34.00 per month subscription to build their own websites. All payments are received by a third party company called 2 Checkout, which handles all customers' payment information, including credit card numbers. This service could be viewed as being similar to PayPal but is designed for subscription based websites. Mr. Whitaker does not handle any of the customers' credit card information. That is done solely by 2 Checkout. He receives payment for this operation once per week through 2 Checkout for the services provided. Currently, this business has customers in various stages of trials and some engaged in developing their websites and operating them.

Today, on July 11, 2014, U.S. Probation Officer, Christopher A, Foster, directed Mr. Whitaker to close the website and terminate his activities on it because this employment model is not the same as the one contemplated at the beginning of his supervised release. Mr. Whitaker is desirous of immediately being allowed to restore his customers' access, which includes such things as their website, email and domain name and to continue his work.

It should be noted that Mr. Whitaker's family has been his sponsor in supporting this self-employment opportunity. Currently, they are sustaining his housing and providing the funds to pay his restitution and staying in regular contact with him with respect to mental health treatment.

Now, therefore, Mr. Whitaker seeks an Order of this Court approving immediate continued operation of his business, together with such conditions and reporting as this Court may deem meet and just under the circumstances.

Respectfully submitted

David Whitaker
By his attorney,

/s/ George J. West
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Certificate

I hereby certify that I sent a copy of the foregoing to Richard B. Myrus, Esq., Asst. U.S. Attorney via this Court's ECF System this 11th day of July, 2014.

/s/ George J. West